



#3

IN THE UNITED STATES PATENT AND TRADEMARK

Applicant: BRENNAN Examiner: Unassigned
U.S.S.N.: 09/903,376 Group Art Unit: 1645
Filed: July 10, 2001 Docket: R-599
For: TRANSGENIC MICE CONTAINING 5-HT-2B GENE DISRUPTIONS

RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS UNDER 37 CFR §1.251

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Request for Substitute Papers mailed April 25, 2002, Applicant is forwarding herewith, via facsimile, a copy of the papers filed October 23, 2001 (USPTO date 01/22/02), which were in response to the Notice to File Missing Parts of Application ("Notice") mailed August 30, 2001. Applicant certifies that the enclosed papers are complete, accurate and exact with respect to those filed on October 23, 2001 in response to the Notice.


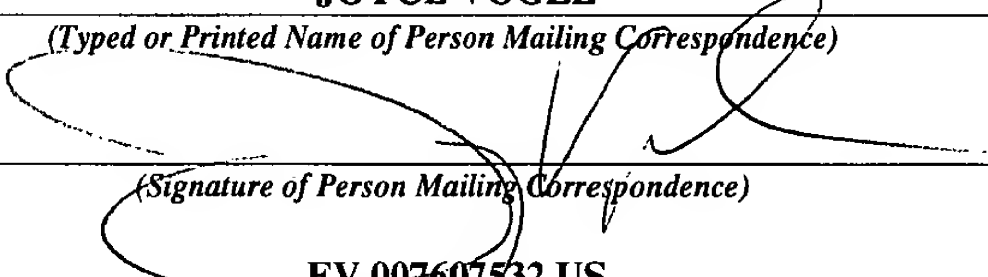
In accordance with the Request for Substitute Papers, the original response was considered not to be "in condition to become a part of the permanent records of the USPTO for this application, due to the United States Postal Service sanitization process." Therefore, since the response included a diskette containing the computer readable sequence listing required by the Notice, Applicant will also forward a copy of the substitute papers via Express Mail in order to include a copy of the diskette. Applicant certifies that the content of the sequence listing in computer readable form is identical to the written sequence listing and includes no new matter, as required by 37 CFR §1.821.

Respectfully submitted,
DELTAGEN, INC.

05/07/02
Date
740 Bay Road
Redwood City, CA 94063

for Robert A. Lapiz (Reg. No. 47,536)
Mazette A. Lapiz
Reg. No. 44,202
Phone: 650/569-5100

5-9-02

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): BRENNAN			Docket No. R-599
Serial No. 09/903,376	Filing Date July 7, 2001	Examiner Unassigned	Group Art Unit 1645
Invention: TRANSGENIC MICE CONTAINING 5-HT-2B GENE DISRUPTIONS			
<div style="text-align: center;"></div>			
<p>I hereby certify that this <u>RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS</u> <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on <u>05/07/02</u> <i>(Date)</i></p> <div style="text-align: right;"><p><u>JOYCE VOGEL</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p> <i>(Signature of Person Mailing Correspondence)</i></p><p><u>EV 007607532 US</u> <i>("Express Mail" Mailing Label Number)</i></p></div>			
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
 www.uspto.gov

MAY 07 2002

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/903,376	10/2001	Brennan, Thomas	R-599

DELTA GEN, INC.
 1003 Hamilton Avenue
 Menlo Park CA 94025

Title: Transgenic mice containing 5-HT-2B gene disruptions

Date Mailed: 04/25/2002

Request for Substitute Papers

The papers filed on 01/22/02 (certificate of mailing dated 10/23/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated ~~703-746-1060 (OIPE)~~ 703-746-9195

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

 The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: ROBERT DRISCOLL Registration No.: 47,536

Signature: Robert J. Driscoll Date: 05/07/02



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAY 07 2002

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/903,376	07/10/2001	Thomas J. Brennan	R-599

CONFIRMATION NO. 8327

FORMALITIES LETTER



OC000000006494967

DELTAGEN, INC.
1003 Hamilton Avenue
Menlo Park, CA 94025

Date Mailed: 08/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$643.
 - \$108 for 12 total claims over 20.
 - \$400 for 10 independent claims over 3.
 - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1063.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file

in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY